JAP:KTF

UNITED STATES DISTRICT COURT 17 M 482
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

CARLOS CABELLO,

Defendant.

COMPLAINT AND AFFIDAVIT IN SUPPORT OF APPLICATION FOR AN ARREST WARRANT

(T. 18, U.S.C. § 922(g)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

ALLEN SELEGEAN, being duly sworn deposes and states that he is a Detective with the New York City Police Department ("NYPD"), duly appointed according to law and acting as such.

Upon information and belief, on or about May 21, 2017, within the Eastern District of New York, the defendant CARLOS CABELLO, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting interstate and foreign commerce a firearm, to wit: a Glock model 23 .40 caliber semi-automatic pistol and ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and grounds for his belief are as follows:[1]

[1] Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth each and every fact I have learned during the course of this investigation.

1. I am a Detective with the NYPD and have been involved in the investigation of numerous cases involving firearms offenses. I am currently assigned to the Triggerlock Unit. I am familiar with the facts and circumstances set forth below from my personal involvement in this investigation, my review of documents, records and reports, and from reports made to me by other law enforcement officers and personnel. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. On or about May 21, 2017, at approximately 11 p.m., in Brooklyn, New York, two NYPD police officers were patrolling Lincoln Place eastbound near Utica Avenue in an unmarked vehicle. They observed a man, who was later identified as the defendant CARLOS CABELLO, and a woman together on the sidewalk. The man was holding what appeared to be a firearm and showing it to the woman. The police officer sitting in the passenger side of the car (Officer #1) exited the vehicle and approached CABELLO and the woman. CABELLO looked at Officer #1 as he approached, and then took off running westbound on Lincoln place. Officer #1 observed the defendant throw the firearm under a vehicle as he ran.

3. The police officer who was driving (Officer #2) observed the defendant CARLOS CABELLO running down the street. Officer #2 put his car in reverse and drove backwards down Lincoln Place. He backed the car onto the sidewalk, blocking CABELLO. Officer #2 then exited the vehicle and apprehended CABELLO.

4. Officer #1 recovered the firearm from under the car. After the firearm was recovered, it was determined to be a Glock model 23 .40 caliber semi-automatic pistol that was loaded with ammunition.

5. After he was arrested and read his Miranda rights, the defendant CARLOS CABELLO stated the following in sum and substance and in part: he has a gun for protection; someone came to his apartment that day with a gun; and that is why he got the gun.

6. The defendant CARLOS CABELLO was subsequently charged in Kings County Criminal Court with, among other crimes, Criminal Possession of a Weapon in the Second Degree (possession of a loaded firearm), in violation of New York Penal Law Section 265.03, a felony offense.

7. Based on my discussions with an interstate nexus expert from the Bureau of Alcohol, Tobacco, Firearms and Explosives, I know that the Glock model 23 .40 caliber semi-automatic pistol and ammunition were manufactured outside the State of New York.

8. I have also reviewed the defendant CARLOS CABELLO's criminal history records and have determined that, on or about April 10, 2013, in New York County Supreme Court, the defendant was convicted of committing a criminal sale of a controlled substance in the third degree in violation of New York Penal Law 220.39, a felony punishable by a term of imprisonment of more than one year.

9. In addition to the felony conviction described above, the defendant CARLOS CABELLO was also convicted on or about May 31, 2007 in New York County Supreme Court of committing a criminal sale of a controlled substance in the fourth degree in violation of New York Penal Law 220.34, a felony punishable by a term of imprisonment of more than one year. CABELLO was also convicted on or about July 5, 1994 in New York County Supreme Court of (1) robbery in the first degree, in violation of New York Penal

Law 160.15, and (2) committing a criminal sale of a controlled substance in the third degree in violation of New York Penal Law 220.16, which are both felonies punishable by a term of imprisonment of more than one year. CABELLO was also convicted on or about July 9, 1993 in New York County Supreme Court of criminal possession of stolen property in the third degree in violation of New York Penal Law 165.50, a felony punishable by a term of imprisonment of more than one year.

10. WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant CARLOS CABELLO so that he may be dealt with according to law.

Det. [signature]
ALLEN SELEGEAN
Detective
New York City Police Department

Sworn to before me this
25th day of May, 2017

S/ Marilyn Go

THE HONOI[...]
UNITED ST[...] [...]GE
EASTERN I[...]